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APPLICATION NO.	FIL	JING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/049,181	0	6/14/2002	Lothar Henneken	10191/2233	7851
26646	7590	12/31/2003		EXAM	MINER
KENYON & KENYON ONE BROADWAY				BUDD, MAR	LK OSBORNE
NEW YORK		004	•	ART UNIT	PAPER NUMBER
	-			2834	

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Display 181  ## Display 18		Application No.	Applicant(s)	
### Mark. Budd ### Budd  ### Mark. Budd ### Budd  ### Mark. Budd ### Buddens		10/049,181		
- The MAILING DATE of this communication appears on the cover sheet with the correspondence address — art of for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  E-blandance of time may be available under the provisions of 3° CFR 1.13(s). In no event, however, may a reply be limely filed alter 50° (to) MONTHS from the mailing date of this communication.  If the peacle for early specified above is less than thirty (50°) days, a feet agreement of the peacle of the communication of the peacle of	Office Action Summary	Examiner		
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2a) ☐ This action is FINAL.  2b) ☐ This action is non-final.  3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  isposition of Claims  4) ☐ Claim(s) 9-14 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) ☐ Claim(s) is/are allowed.  6) ☐ Claim(s) is/are ebjected.  7) ☐ Claim(s) is/are objected to.  8) ☑ Claim(s) 9-14 are subject to restriction and/or election requirement.  pplication Papers  9) ☐ The specification is objected to by the Examiner.  10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d)  11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  riority under 35 U.S.C. §§ 119 and 120  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application since a specific reference was included in the first sentence of the specification or in an Application Data Sheat. 37 CFR 1.78.  a) ☐ The translation of the foreign language provisional application has been receive		24 June 2003		
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Notice of Draftsperson's Patent Drawing Review (PTO-948)  5) Notice of Informal Patent Application (PTO-152)				
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U.S. Patent and Trademark Office

Application/Control Number: 10/049,181

Art Unit: 2834

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 9-12, drawn to a piezoelectric actuator, classified in class 310, subclass 328.

II. Claims 13 and 14, drawn to a method of making a piezoelectric device, classified in class 29, subclass 25.35.

The inventions are distinct, each from the other because:

Inventions Group I and Group II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the actuator of Group I can be made by methods other than those of Group II, e.g. the extensions could be thermally bonded, deposited or glued to the electrode ends.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Art Unit: 2834

Budd/ek

12/23/03

PRIMARY EVANANCE

ART UNIT 230